

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>8:11CR180</b>
	)	
<b>vs.</b>	)	<b>ORDER</b>
	)	
<b>BILLY J. NESIBA and</b>	)	
<b>CAROL NESIBA,</b>	)	
	)	
<b>Defendants.</b>	)	

This matter is before the court following a telephone conference with counsel on February 8, 2012. Assistant U.S. Attorney Russell X. Mayer represented the United States. First Assistant Federal Public Defender Shannon P. O'Connor represented defendant Billy J. Nesiba and Matthew F. Heffron represented defendant Carol Nesiba. Counsel for all parties requested the trial of this case be continued due to the volume of documentary evidence involved. Upon consideration, the request will be granted. The Rule 17.1 conference will be continued close in time to the trial.

**IT IS ORDERED:**

1. Trial of this matter is rescheduled to commence on August 27, 2012, before Judge Joseph F. Bataillon and a jury.
2. The Rule 17.1 conference scheduled for February 13, 2012, is canceled and is rescheduled before the undersigned magistrate judge in Courtroom No. 7, Second Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, at 9:30 a.m. on July 6, 2012. The defendants shall be present for such conference.
3. On or before July 3, 2012, all parties shall file a proposed List of Exhibits for use at trial together with a proposed witness list. Furthermore, the parties shall bring to the Rule 17.1 conference on July 6, 2012, the original exhibits listed on their Exhibit Lists with such Exhibits premarked and ready for presentation at time of trial.
4. On or before February 17, 2012, each defendant shall file an affidavit stating he/she agrees to the continuance and understands the additional time will be excluded under the time computations of the Speedy Trial Act.

5. The ends of justice have been served by granting this continuance and outweigh the interests of the public and the defendants in a speedy trial. The additional **time** arising as a result of the granting of the continuance, i.e., the time between **February 27, 2012, and August 27, 2012**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that counsel require additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 8th day of February, 2012.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge